

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALEXANDER GOMEZ,

Plaintiff,

v.

ROC-ROC CORP., d/b/a BURGER TIME, and
THE BORGIA FAMILY TRUST IV,

Defendants.

ORDER

21 Civ. 3121 (ER)

RAMOS, D.J.

On April 11, 2021, Alexander Gomez brought this action against Roc-Roc Corp., d/b/a Burger Time, and the Borgia Family Trust IV for violation of the Americans with Disabilities Act and related claims. Doc. 1. That same day, Gomez requested that summons be issued. Docs. 3–4. On April 12, 2021, summons issued as to both defendants. Docs. 5–6. To date, Gomez has not filed any affidavit of service, and defendants have not appeared in this action.

“If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). Gomez is therefore directed to file a status report no later than December 23, 2021. Failure to comply could result in the Court dismissing the case under Federal Rule of Civil Procedure 4(m).

It is SO ORDERED.

Dated: December 10, 2021
New York, New York



Edgardo Ramos, U.S.D.J.